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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/866,662	05/30/2001	Hideaki Kuroda	SON-1199/CON	6271

7590 06/23/2003  
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Washington, DC 20036

EXAMINER

PRENTY, MARK V

ART UNIT	PAPER NUMBER
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2822

DATE MAILED: 06/23/2003

10

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

09/866,662

Applicant(s)

KURODA

Examiner

Prenty

Art Unit

2822



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Jun 10, 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: \_\_\_\_\_
- Claim(s) objected to: \_\_\_\_\_
- Claim(s) rejected: \_\_\_\_\_
- Claim(s) withdrawn from consideration: \_\_\_\_\_
8. ☐ The proposed drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
10. ☐ Other: \_\_\_\_\_

Mark Prenty  
Mark V. Prenty  
Primary Examiner

This is an attachment to the Advisory Action (Paper 10).

The applicant's argument with respect to the rejection of claims 3-6 under 35 U.S.C. §102 as being anticipated by Prior Art Figs. 4-17 is not persuasive.

The applicant's argument in the paragraph bridging pages 2 and 3 of its response is incorrect. Specifically, as explained in the statement of the rejection, Prior Art Figs. 4-17 disclose a semiconductor device comprising, among other things, a plug 136 having conductivity formed in a state filling internal portions of the first connection hole and the second connection hole.

The applicant has simply misconstrued Prior Art Figs. 4-17's plug elements 136. Specifically, Prior Art Figs. 4-17's plugs 136 are not rectangles, they are clearly T-shaped as a result of their filling both the first connection hole and the narrower second connection hole, as evidenced not only by Prior Art Fig. 17 (note at least the middle and right-most ones of the three adjacent plugs 136), but also by Prior Art Fig. 10 in particular (wherein at least three of the four illustrated plugs 136 are clearly (and correctly) depicted as being T-shaped, with the left-most plug 136 clearly being a drawing aberration to the extent the drawing arguably suggests a rectangle).

In this regard, but putting substance over form, a substantive comparison of the Prior Art Figs. 8-10 disclosure with applicant's Figs. 21-23 disclosure demonstrates that Prior Art Figs. 4-17's T-shaped plugs 136 are substantively formed the same way as the applicant's T-shaped plugs 218 (note that the claims are rejected in view of Prior Art Figs. 4-17, not merely Prior Art Fig. 17 alone).

Registered practitioners can telephone examiner Prenty at (703) 308-4939. Any voicemail message left for the examiner must include the name and registration number of the registered practitioner calling, and the application's Serial Number. Technology Center 2800's general telephone number is (703) 308-0956.